

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ANN CANTRELL,

Petitioner,

vs.

RONNIE JACKSON, Director Fort Peck Tribes Adult Correctional Facility, SCOTT SEIFERT, Special Prosecutor Fort Peck Tribes,

Respondents.

CV-16-33-GF-BMM

ORDER

Petitioner Ann Cantrell (Cantrell) has filed a Petition seeking a writ of habeas corpus under the Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301, *et seq.* (Doc. 1).

1). Cantrell is a tribal prisoner proceeding *pro se*. Cantrell is serving a 270 day sentence in the Fort Peck Tribal Adult Correctional Facility. (Doc. 1 at 11).

Cantrell claims that she is entitled to a writ of habeas corpus because the Fort Peck Tribal Court unlawfully forced her to proceed pro se to a jury trial after she was abandoned by her counsel. (Doc. 1 at 11). Cantrell alleges that her constitutional rights were violated in numerous ways including: unlawful release of medical records, judicial bias, denial of competency evaluation, denial of effective assistance of counsel, denial of due process in a corresponding family law case, denial of medical care, and illegal stop and seizure. (Doc. 1 at 3-12).

United States Magistrate Judge John Johnston issued an Order to Show Cause in this matter on May 20, 2016. Judge Johnson directed Cantrell to explain to the Court the steps she had taken to exhaust her tribal court remedies given that this Court would lack jurisdiction if she had not exhausted her tribal remedies. Cantrell filed a response to Judge Johnson's Order on June 23, 2016. (Doc. 3). Cantrell described a number of steps she had taken to exhaust her tribal remedies. (Doc. 3 at 3). She candidly acknowledged, however, that she had an appeal pending before the Fort Peck tribal appellate court. (Doc. 3 at 2).

Judge Johnston entered Findings and Recommendations in this matter on August 5, 2016. (Doc. 4). Judge Johnston recommended that the Cantrell's Petition be dismissed because Cantrell had not yet exhausted her tribal remedies. (Doc. 4 at 4). Cantrell did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Cantrell's Petition (Doc. 1) is DISMISSED without prejudice for

failure to exhaust tribal remedies.

2. The Clerk is directed to enter judgment accordingly.

DATED this 30th day of August, 2016.



Brian Morris
United States District Court Judge